

118TH CONGRESS  
2D SESSION

# H. R. 9604

To provide for certain requirements of the Surface Transportation Board and any State, political subdivision, or qualified private organization requesting interim recreational use of an abandoned railway right-of-way, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 2024

Mr. GRAVES of Missouri introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To provide for certain requirements of the Surface Transportation Board and any State, political subdivision, or qualified private organization requesting interim recreational use of an abandoned railway right-of-way, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rails to Trails Land-  
5 owner Rights Act”.

1 **SEC. 2. INTERIM USE OF RAILROAD RIGHTS-OF-WAY.**

2 Section 8 of the National Trails System Act (16  
3 U.S.C. 1247(d)) is amended—

4 (1) in subsection (d)—

5 (A) by striking “The Secretary of Trans-  
6 portation” and inserting “(1) The Secretary of  
7 Transportation”; and

8 (B) by adding at the end the following:

9 “(2) To be eligible for the treatment described in this  
10 subsection, a State, political subdivision, or qualified pri-  
11 vate organization shall—

12 “(A) provide notice to—

13 “(i) the owners of any property upon which  
14 the railroad right-of-way crosses, or is adjacent  
15 to the land subject to the right-of-way; and

16 “(ii) any unit of local government with ju-  
17 risdiction over any property upon which the  
18 railroad right-of-way crosses;

19 “(B) not later than 30 days after intervening in  
20 an abandonment proceeding under this subsection,  
21 receive signed approval from each owner described in  
22 subparagraph (A)(i) for the proposed interim use;

23 “(C) disclose the legal status of the occupancy  
24 for the right-of-way;

25 “(D) with respect to any proposed agreement  
26 under this subsection—

1           “(i) ensure that any agreement reached  
2           under this subsection requires the State, polit-  
3           ical subdivision, or qualified private organiza-  
4           tion party to such agreement to compensate the  
5           owners of property upon which such right-of-  
6           way crosses for any additional cost attributed to  
7           the interim use, with a minimum compensation  
8           level at fair market value of such property;

9           “(ii) provide to the Board such assurances  
10          as the Board may require, that the State, polit-  
11          ical subdivision, or qualified private organiza-  
12          tion has the financial resources to provide com-  
13          pensation as described under clause (i); and

14          “(iii) ensure that any agreement reached  
15          under this subsection requires the trail sponsor  
16          to continue all right-of-way maintenance re-  
17          sponsibilities in perpetuity or until the right-of-  
18          way returns to active rail service.

19          “(3) Before issuing a notice for interim trail use de-  
20          scribed in this subsection, and after the approval has been  
21          provided under paragraph (2)(B), the Board shall—

22                 “(A) provide for a public notice and comment  
23                 period beginning not less than 90 days before a cer-  
24                 tification is awarded under this subsection;

1           “(B) not later than 10 days after the comple-  
2           tion of the requirements under subparagraph (A),  
3           carry out a cost-benefit analysis of the full impact  
4           of the interim use of the railway that considers—

5                   “(i) the impact on—

6                           “(I) safety;

7                           “(II) health;

8                           “(III) security;

9                           “(IV) privacy;

10                          “(V) biosecurity;

11                          “(VI) food security; and

12                          “(VII) economic impact on owners de-  
13                          scribed in paragraph (2)(A)(i) and other  
14                          local communities; and

15                          “(ii) the likelihood that the corridor will re-  
16                          turn to use as rail service if such a consider-  
17                          ation was not taken into account in such anal-  
18                          ysis.

19           “(4) Any cost incurred carrying out the requirements  
20           of paragraph (3)(B) shall be borne by the State, political  
21           subdivision, or qualified private organization proposing the  
22           interim railway use and the Board shall not incur any such  
23           expenses until funding for carrying out such activities is  
24           received from the trail sponsor.”; and

25                          (2) by adding at the end the following:

1       “(f) Notwithstanding any other provision of this sec-  
2 tion, the Board may contract with an independent third  
3 party to conduct a cost-benefit analysis required to be car-  
4 ried out under subsection (d)(3)(B).”.

5 **SEC. 3. ADVISORY COMMITTEE.**

6       (a) ESTABLISHMENT.—The Secretary of the Interior  
7 shall establish an advisory committee to recommend main-  
8 tenance requirements for trail sponsors under the program  
9 described in section 8(d) of the National Trails System  
10 Act (16 U.S.C. 1247(d)) and any agreement reached  
11 under such program.

12       (b) MEMBERSHIP.—The advisory committee estab-  
13 lished under subsection (a) shall be composed of 11 mem-  
14 bers appointed by the Secretary not later than 60 days  
15 after the date of enactment of this Act. The members of  
16 the committee shall be as follows:

17           (1) 6 members selected from landowners along  
18 existing trails created under such program.

19           (2) 3 members representing rail carriers.

20           (3) 2 members that are trail sponsors under  
21 such program.

22       (c) COMPENSATION; TRAVEL EXPENSES.—

23           (1) COMPENSATION.—Members of the com-  
24 mittee established under subsection (a) shall not re-

1       ceive compensation from the Secretary in carrying  
2       out the duties of the committee under this section.

3           (2) TRAVEL EXPENSES.—Travel expenses in-  
4       curred by a member of the committee in carrying  
5       out the duties of the committee under this section  
6       shall not be eligible for Federal reimbursement.

7       (d) REPORT TO SECRETARY.—Not later than 2 years  
8       after the date of enactment of this Act, the committee es-  
9       tablished under subsection (a) shall submit to the Com-  
10      mittee on Natural Resources of the House of Representa-  
11      tives a report containing the recommendations described  
12      under subsection (a).

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